

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DANNY AMEN VALENTINE SHABAZZ,

Plaintiff,

-against-

ROBERT RZA DIGGS, ET AL.,

Defendants.

23-CV-9231 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is appearing *pro se*, brings this action alleging that Defendants violated his rights. The Court dismisses the complaint for the following reasons.

Plaintiff has previously submitted to this court an identical complaint against the same Defendants. That case is presently pending in this court under docket No. 23-CV-9084.<sup>1</sup> As this complaint raises the same claims, no useful purpose would be served by litigating this duplicate lawsuit. Therefore, this complaint is dismissed without prejudice to Plaintiff's pending case under docket No. 23-CV-9084. Because Plaintiff submitted an application to proceed *in forma pauperis* ("IFP") in this action, but he did not file an IFP application in No. 23-CV-9084, the Clerk of Court is directed to docket the IFP application filed in this case, No. 23-CV-9231 (ECF 2), as an IFP application in No. 23-CV-9084.

**CONCLUSION**

Plaintiff's complaint is dismissed as duplicative of No. 23-CV-9084.

The Clerk of Court is directed to docket the IFP application filed in this case, No. 23-CV-9231 (ECF 2), as an IFP application in No. 23-CV-9084.

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<sup>1</sup> Although the complaints in the two actions are identical, Plaintiff's submission in No. 23-CV-9084 includes multiple exhibits that are not included in his submission in this duplicate action.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and therefore IFP status is denied for the purpose of an appeal.

*See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is further directed to enter judgment in this case.

SO ORDERED.

Dated: October 23, 2023  
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN  
Chief United States District Judge